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Attorney for Defendant
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA, CEASAR MARTINEZ,
and RICARDO MARMOLEJO,

Defendants.

Case No.: 2:21-cr-020 MCE

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: April 29, 2021
Time: 10:00 a.m.
Court: Hon. Morrison C. England, Jr.

Plaintiff United States of America by and through Assistant United States Attorney
Vincenza Rabenn, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney
Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of
Defendant Ricardo Marmolejo, stipulate as follows:

1. This matter is presently set for status conference on April 29, 2021. The parties
previously stipulated to schedule the status conference on April 22, 2021. The Court,
ORDER CONTINUING STATUS
CONFERENCE

1 on its own motion, continued the matter by Minute Order for one week to April 29
2 (ECF Entry Number 44). By this stipulation, Defendants Avila, Martinez, and
3 Marmolejo move to continue the status conference to June 24, 2021. The government
4 does not oppose the request.
5

6 2. This case involves a conspiracy to distribute controlled substances. Investigation of
7 the matter included the use of court-authorized wiretaps. The government has
8 provided defense counsel with some offense reports and indicates that a significant
9 volume of material related to phone calls intercepted pursuant to the wiretaps is being
10 prepared for production as discovery. On April 9, 2021, the Court approved the
11 substitution of Michael Long as appointed counsel for Defendant Cesar Martinez in
12 place of the Federal Defender's Office (ECF Docket Entry 43).
13

14 3. All defense counsel require additional time to review discovery materials with their
15 respective clients and to conduct investigation as to potential defenses. Efforts to
16 conduct defense investigation are currently hampered by the ongoing COVID-19
17 pandemic.
18

19 4. The Chief Judge for the Eastern District of California has issued a series of orders,
20 including General Orders 612, 617, 618, 620, 624, 628, and 630, restricting access to
21 federal courthouses within the district since March 18, 2020. The most recent of
22 these orders, General Order 630, issued on April 2, 2021, extended the courthouse
23 restrictions for up to 90-days.
24

25 5. Given the need for defense investigation, Defendants Avila, Martinez, and Marmolejo
26 request to continue the status conference in this matter to June 24, 2021, at 10:00
27

28 ORDER CONTINUING STATUS
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1 a.m., and to exclude time between April 22, 2021 and June 24, 2021, inclusive, under
2 Local Code T-4.

- 3 6. All defense counsel represent and believe that failure to grant additional time as
4 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable
5 time necessary for effective preparation, considering the exercise of due diligence.
6
7 7. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request
8 that the Court find that the ends of justice served by continuing the case as requested
9 outweigh the best interest of the public and the Defendants in a trial within the time
10 prescribed by the Speedy Trial Act.
11
12 8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
13 *seq.*, within which trial must commence, the time period of April 22, 2021 to June 24,
14 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B)
15 (iv) [Local Code T-4] because it results from a continuance granted by the Court at
16 Defendants' request on the basis that the ends of justice served by taking such action
17 outweigh the best interest of the public and the Defendants in a speedy trial.
18
19 9. Nothing in this stipulation and order shall preclude a finding that other provisions of
20 the Speedy Trial Act dictate that additional time periods are excludable from the
21 period within which a trial must commence.
22

23 Assistant U.S. Attorney Vincenza Rabenn, Attorney Michael Long on behalf of
24 Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo
25 Marmolejo have reviewed this stipulation and proposed order and authorized Todd Leras via
26 email to sign it on behalf of their respective clients.
27

28 ORDER CONTINUING STATUS
CONFERENCE

1 DATED: April 26, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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3 By /s/ Todd D. Leras for
VINCENZA RABENN
Assistant United States Attorney

4
5 DATED: April 26, 2021

6 By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
NEHEMIAH AVILA

7
8
9 DATED: April 26, 2021

10 By /s/ Todd D. Leras for
MICHAEL D. LONG,
Attorney for Defendant
CEASAR MARTINEZ

11
12 DATED: April 26, 2021

13 By /s/ Todd D. Leras for
DINA SANTOS
Attorney for Defendant
RICARDO MARMOLEJO


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1 **ORDER**

2 BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is
3 hereby ordered that the status conference in this matter, scheduled for April 29, 2021, is vacated.
4
5 A new status conference is scheduled for June 24, 2021, at 10:00 a.m. The Court further finds,
6 based on the representations of the parties and the request of all defense counsel, that the ends of
7 justice served by granting the continuance outweigh the best interests of the public and the
8 Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. §
9 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into
10 consideration the exercise of due diligence for the period from April 22, 2021, up to and
11 including June 24, 2021.
12

13 IT IS SO ORDERED.

14 DATED: MAY 3, 2021

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16 
17 MORRISON C. ENGLAND, JR.
18 SENIOR UNITED STATES DISTRICT JUDGE
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28 ORDER CONTINUING STATUS
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